IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition No. 6443 of 2005

M/s Achala Resorts Pvt.Ltd. ..Petitioners

vs.

The State of Maharashtra
and others ..Respondents

Shri Madhav Jamdar for petitioners.
Shri Hanif Solkar, A.G.P. for respondent nos.1 and 2
Smt.S.V.Bharucha for respondent nos.3, 4 and 5.

CORAM: S.B.MHASE J.
21st March, 2006

P.C.

1. Heard the learned Counsel.

2. Order dated 10th August, 2005 passed below Exh.5 in Reg.Civil Suit No.951 of 2005 by theCivil Judge, Sr.Dn. Pune is under challenge. The said application Exh.5 was under Order 39 Rules 1 and 2 and if the said application is rejected appeal is provided under order 43. However, instead of preferring the appeal, the petitioner has filed the writ petition. Learned Counsel states that the petitioner will prefer appeal as provided in law and, therefore, the learned Counsel submits that the petitioner be allowed to withdraw the petition with liberty to file the appeal. Petition is allowed to be withdrawn with liberty as prayed for.

(S.B.MHASE J.)